

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
JACKSON DIVISION**

**MARY TROUPE, et al.**

**PLAINTIFFS**

**v.**

**CIVIL ACTION NO. 3:10-CV-153-HTW-LRA**

**GOVERNOR HALEY BARBOUR,  
et al.**

**DEFENDANTS**

**MOTION TO DISMISS OR FOR JUDGMENT ON THE PLEADINGS**

Defendants Haley Barbour, Governor of Mississippi, and Robert L. Robinson, Executive Director of the Mississippi Division of Medicaid, in their official capacities, respectfully submit this Motion to Dismiss or for Judgment on the Pleadings pursuant to Rule 12 of the Federal Rules of Civil Procedure and ask this Court to dismiss Count I of the Complaint. For support, Defendants attach the exhibits listed below and file herewith a Memorandum of Authorities in Support of this Motion:

Exhibit 1 - MYPAC admission and Freedom of Choice forms for L.S.

Exhibit 2 - MYPAC Freedom of Choice form for L.P.

Exhibit 3 - MYPAC information sheet

For the reasons argued in the Memorandum of Authorities and as shown by the attached exhibits, Defendants Haley Barbour and Robert L. Robinson, respectfully pray this Court GRANT the present Motion and dismiss Count I of the Complaint.

Respectfully submitted, this the 27th day of May 2010,

FOR DEFENDANT GOVERNOR HALEY BARBOUR, in  
his official capacity

BY: /s Roger Googe

ROGER GOOGE, MS BAR NO. 4903  
SPECIAL ASSISTANT ATTORNEY GENERAL

FOR DEFENDANT ROBERT L. ROBINSON, in his  
official capacity as Director of the Mississippi Division of  
Medicaid

BY: /s/ Shawn S. Shurden  
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**CERTIFICATE OF SERVICE**

I, Shawn S. Shurden, Special Assistant Attorney General of the State of Mississippi, do hereby certify that on this date, I electronically filed the foregoing document with the Clerk of the Court using the ECF system which sent notification of such filing to the following:

Sheila A. Bedi  
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I certify that I have hereby mailed, via United States Postal Service, first class postage prepaid, a true and correct copy of the foregoing in the above-styled and numbered cause to the following non-ECF participant:

Ira Burnim, Esq.  
The Bazelon Center for Mental Health Law  
1101 15<sup>th</sup> Street, North West, Suite 1212  
Washington, D.C. 20005

**THIS** the 27<sup>th</sup> day of May, 2010.

/s/ Shawn S. Shurden  
SHAWN S. SHURDEN